THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.22951 of 2005

–

DATED: 02-02-2006

Between:

Dr. C.Narasimha Reddy . . .Petitioner

and

Acharya N.G.Ranga Agricultural University,

Hyderabad. . . .Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.22951 of 2005

–

O R D E R:

The petitioner was initially appointed as Lecturer/Assistant Professor in the Acharya N.G.Ranga Agricultural University, Rajendranagar, respondent herein. Under the Career Advancement Scheme (CAS), he was promoted as Associate Professor (Reader) with effect from 27-03-1995. He acquired Ph.D. degree in April, 1996. Thereupon, he was sanctioned two increments, in terms of G.O.Ms.No.208, dated 29-06-1999. Through proceedings, dated 04-10-2005, the respondent University sought to recover a sum of Rs.48,855/- on the ground that the petitioner was not entitled to be granted increments on acquiring Ph.D. degree. The petitioner challenges the said proceedings.

Learned counsel for the petitioner submits that the petitioner was not put on notice and that the impugned proceedings were issued only on the basis of an audit objection raised in the recent past. He submits that the purport of the scheme contained in G.O.Ms.No.208, dated 29-06-1999, was not at all taken into account.

Learned Standing Counsel appearing for the respondent University, on the other hand, submits that Ph.D. degree was essential for the post of Associate Professor and in that view of the matter, the petitioner was not eligible to be sanctioned the increments.

The petitioner was promoted as Associate Professor through orders, dated 05-05-1995, with effect from 27-03-1995. As per CAS, which was formulated by the University Grants Commission and extended to the State of Andhra Pradesh through orders in G.O.Ms.No.208, dated 29-06-1999. As on the date of promotion to the post of Associate Professor, the petitioner did not hold the qualification of Ph.D. degree, and he acquired it few months later. G.O.Ms.No.208, *inter alia*, provided for sanction of increments to the candidates, who acquired Ph.D. degree.

The petitioner was extended the benefit of increments in view of the fact that he acquired Ph.D. degree, after he was promoted as Associate Professor. The respondent, however, took the view that being an essential qualification for the post of Associate Professor, the petitioner was not entitled to such increment. The occasion for the petitioner to put forward his contention and the necessity for the respondent to examine the scheme in detail, would have arisen, had any notice been issued to the petitioner, pointing out the grounds, on the basis of which, the amount is sought to be recovered. The objection raised by the Audit was without any reference or notice to the petitioner. On the short ground that the petitioner was not put on notice before the impugned order was passed, the writ petition is liable to be allowed.

For the foregoing reasons, the writ petition is allowed and the order, dated 04-10-2005, is set aside. It is, however, made clear that it shall be open to the respondent University to issue show cause notice to the petitioner, pointing out the ground, on the basis of which, the recovery sought to be effected and by furnishing a copy of the Audit Report.

There shall be no order as to costs.

_____

(L.NARASIMHA REDDY, J)

2nd FEBRUARY, 2006.

kvni